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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/519,278	12/22/2004	Marcel Wong	9342-11	8905
20792	7590	02/09/2006	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			MILLER, BRANDON J	
			ART UNIT	PAPER NUMBER
			2683	

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/519,278	WONG ET AL.	
	Examiner	Art Unit	
	Brandon J. Miller	2683	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-18, and 20-24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz in view of Patil.

Regarding claim 1 Boltz teaches a method of automatically sending electronic messages from a portable communication device to a selected recipient (see col. 5, lines 1-8). Boltz teaches retrieving date information from an electronic date determination unit; and automatically sending a pre-configured electronic message over a network to the recipient based on the date information (see col. 4, lines 63-67 and col. 5, lines 1-8). Boltz does not specifically teach retrieving first recipient related information from an electronic contact register and sending the message based on date information and recipient information. Patil teaches retrieving first recipient related information from an electronic contact register (see col. 4, lines 48-54 & 63-67) and sending messages based on date or time information and the recipient related information (see col. 5, lines 10-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include retrieving first recipient related information from an electronic contact register and sending the message based on date information and recipient information because Boltz teaches delivering the message to the end

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party which requires recipient information and it would allow for improved control of the time and date of delivery of an electronic message.

Regarding claim 2 Patil teaches wherein the first recipient information is date information associated with the recipient (see col. 5, lines 15-28).

Regarding claim 3 Patil teaches wherein the first recipient related information is a message flag (see col. 5, lines 5-10).

Regarding claim 4 Boltz and Patil teach a device as recited in claim 1 except for retrieving second recipient related information from the electronic contact register; and automatically sending the pre-configured electronic message over the network to the recipient based on the date information, first recipient related information, and the second recipient information. Boltz does teach automatically sending the pre-configured electronic message over the network to the recipient based on the date information (see col. 4, lines 63-67 and col. 5, lines 1-8). Patil does teach retrieving second recipient related information from the electronic contact register (see col. 4, lines 48-54). Patil does teach sending the message over the network to the recipient based on the date information, first recipient related information, and the second recipient information (see col. 5, lines 10-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include retrieving second recipient related information from the electronic contact register; and automatically sending the pre-configured electronic message over the network to the recipient based on the date information, first recipient related information, and the second recipient information because this would allow for improved control of the time and date of delivery of an electronic message.

Regarding claim 5 Boltz and Patil teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 6 Patil teaches prompting a user, after retrieving date and recipient related information, about sending the message; and sending the message if the user has accepted sending (see col. 5, lines 32-43).

Regarding claim 7 Patil teaches retrieving a name of the recipient from the contact register; and inserting the name into the message prior to sending (see col. 6, lines 15-22).

Regarding claim 9 Boltz teaches wherein the message is sent to a remote server, which pushes it to a terminal of the recipient (see col. 5, lines 1-8).

Regarding claim 10 Patil teaches wherein contact information about a recipient is first received from a remote server and then placed in the contact register (see col. 5, lines 60-65).

Regarding claim 11 Patil teaches wherein the contact register is a register containing previously stored information about contacts and how these can be reached (see col. 5, lines 60-65 and col. 6, lines 1-5)

Regarding claim 12 Boltz teaches a portable communication device for automatically sending electronic messages to a selected recipient (see col. 5, lines 1-8). Boltz teaches an electronic date determination unit, a message transfer unit; and a pre-configured message store (see col. 4, lines 63-67 and col. 5, lines 1-8). Boltz teaches a control unit configured to retrieve date information from the electronic date determination unit and effectuating automatic sending of a pre-configured electronic message to the recipient based on the date information (see col. 4, lines 63-67 and col. 5, lines 1-8). Boltz does not specifically teach an electronic contact register and sending the message based on date information and recipient information. Patil teaches an

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electronic contact register (see col. 4, lines 48-54 & 63-67) and sending messages based on date or time information and the recipient related information (see col. 5, lines 10-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include an electronic contact register and sending the message based on date information and recipient information because Boltz teaches delivering the message to the end party which requires recipient information and it would allow for improved control of the time and date of delivery of an electronic message.

Regarding claim 13 Boltz and Patil teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 14 Boltz and Patil teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 15 Boltz and Patil teach a device as recited in claim 12 except for retrieving second recipient related information from the electronic contact register; and effectuating sending of the message based on the second recipient information. Boltz does teach effectuating sending of a message (see col. 4, lines 63-67 and col. 5, lines 1-8). Patil does teach retrieving second recipient related information from the electronic contact register (see col. 4, lines 48-54). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include retrieving second recipient related information from the electronic contact register; and effectuating sending of the message based on the second recipient information because this would allow for improved control of the time and date of delivery of an electronic message.

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Regarding claim 16 Boltz and Patil teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 17 Boltz and Patil teach a device as recited in claim 6 and is rejected given the same reasoning as above.

Regarding claim 18 Boltz and Patil teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 20 Boltz and Patil teach a device as recited in claim 9 and is rejected given the same reasoning as above.

Regarding claim 21 Boltz and Patil teach a device as recited in claim 10 and is rejected given the same reasoning as above.

Regarding claim 22 Boltz teaches a communication device that is a cellular phone (see col. 4, lines 20-27 and FIG. 3).

Regarding claim 23 Boltz and Patil teach a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 24 Boltz teaches retrieving date information from an electronic date determination unit (see col. 4, lines 63-67 and col. 5, lines 1-8). Boltz teaches effectuating automatic sending of a pre-configured electronic message over a network to the recipient based on the date information (see col. 4, lines 63-67 and col. 5, lines 1-8). Boltz does not specifically teach a computer program product stored on a computer and computer readable program code configured to retrieve, retrieving recipient related information from an electronic contact register, and sending the message based on date information and recipient information. Patil teaches a computer program product stored on a computer and computer readable program code

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configured to retrieve (see col. 3, lines 55-63 and col. 4, lines 27-35). Patil teaches retrieving recipient related information from an electronic contact register (see col. 4, lines 48-54 & 63-67) and sending messages based on date or time information and the recipient related information (see col. 5, lines 10-27). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a computer program product stored on a computer and computer readable program code configured to retrieve, retrieving recipient related information from an electronic contact register, and sending the message based on date information and recipient information because Boltz teaches delivering the message to the end party which requires recipient information and it would allow for improved control of the time and date of delivery of an electronic message.

Claims 8 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boltz in view of Patil and Sauer.

Regarding claim 8 Boltz and Patil teach a device as recited in claim 1 except for sending the message directly to a terminal of the recipient. Sauer teaches sending the message directly to a terminal of the recipient (see paragraph [0034]). It would have been obvious to one ordinary skill in the art at the time the invention was made to make the device adapt to include sending the message directly to a terminal of the recipient because this would allow for improved control of the time and date of delivery of an electronic message.

Regarding claim 19 Boltz, Patil, and Sauer teach a device as recited in claim 8 and is rejected given the same reasoning as above.



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### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Myka et al. Pub. No.: US 2005/0289216 A1 discloses providing personalized services for mobile users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869.

The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



February 2, 2006



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